



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|----------------------------|------------------------|
| 10/044,098 | 01/11/2002 | Ronald E. Decker | 4803-1 | 7541 |
| 23442 | 7590 | 02/03/2009 | | |
| SHERIDAN ROSS PC 1560 BROADWAY SUITE 1200 DENVER, CO 80202 | | | EXAMINER TRAN, HANH VAN | |
| | | | ART UNIT 3637 | PAPER NUMBER |
| | | | MAIL DATE 02/03/2009 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/044,098

Applicant(s)

DECKER, RONALD E.

Examiner

HANH V. TRAN

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12, 13, 15, 17-21, 23-30 and 33-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12, 13, 15, 17-21, 23-30 and 33-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The following is a Non-Final Office action from the examiner in charge of this application.

Response to Amendment

2. The Declaration under 37 CFR 1.132 filed 11/20/2008 is sufficient to overcome the rejection of claims 1-10, 12-13, 15, 17-21, 2330, 33-41 based upon 35 U.S.C. 103(a) over Paradigm Industries, Inc Photographs of a stand offered for sale approximately September of 2001 in view of Kiser, Peddinghaus, Tischendorf.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 1-7, 9-10, 12, 19-21, 23, 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 6,302,378 to Koch et al in view of USP 8,49,403 to Kiser and German 2,601,223 to Peddinghaus.

Koch discloses a stand comprising a base, a support member interconnected to the base and extending upwardly therefrom, a support sleeve/slidable member (Fig. 2,

18) having at least a top surface and in slidable telescopic cooperation with the support member, a lift platform 20 associated with the top surface of the support sleeve 18, a coupling mechanism interconnected to the support sleeve/slidable member 18, an actuating lever 24 interconnected to the coupling mechanism, a clevis 28 interconnected to the base, wherein the stand can be selectively positioned between a first position of rest and a second position of use. The differences being that Koch does not disclose the coupling mechanism including a collar removably attached and adjustably positionable at a plurality of positions along the height of the slidable member, wherein the collar comprising a first portion having an arcuate inner surface and a second portion having an arcuate inner surface fastened to each other by at least one fastener, a self-lubricating member, said self-lubricating member be either a sleeve or at least one strip, and a seal member.

Kiser teaches the idea of a height adjustable stand comprising two cylindrical support sleeves slidable relative to each other, a coupling mechanism including a collar removably attached and adjustably positionable at a plurality of positions along the height of the slidable member, wherein the collar comprising a first portion having an arcuate inner surface and a second portion having an arcuate inner surface fastened to each other by at least one fastener, an operating lever b9 pivotally mounted in the collar to adjust the height of the stand.

Peddinghaus teaches the idea of providing a plurality of telescoping members with a self-lubricating member, which can be either a sleeve or a strip in order to facilitate relative adjustment of the telescoping members. Therefore, it would have been

obvious to modify the structure of Koch by having the coupling mechanism to include a collar removably attached and adjustably positionable at a plurality of positions along the height of the slidable member, wherein the collar comprising a first portion having an arcuate inner surface and a second portion having an arcuate inner surface fastened to each other by at least one fastener, as taught by Kiser, and providing a self-lubricating member in the form of a sleeve or a strip in order to facilitate relative adjustment of the telescoping members, as taught by Peddinghaus, since the references teach alternate conventional telescoping members structures, thereby providing structure as claimed. In regard to a seal member, it would have been obvious and well within the level of one skill in the art to provide the stand of Koch with a seal member in order to prevent dirt from entering the telescoping members.

In regard to claims 21, Koch discloses the actuating lever 24 of the lift mechanism interconnected to the base via a linkage assembly 28. In regard to claim 23, Koch discloses the left mechanism is interconnected to the base via a clevis 28.

6. Claims 8, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koch, as modified, as applied to claims 1, 9, and 19 above, and further in view of USP 5,769,396 to Tischendorf.

Koch, as modified, discloses all the elements as discussed above except for the clevis 28 is removable.

Tischendorf discloses a stand comprising a base, a lift platform, an actuating lever, and a removable clevis; wherein the removable clevis allows a more compact stand in the storage configuration. Therefore, it would have been obvious to modify the

structure of Koch, as modified, by having the clevis being removable in order to provide a more compact stand in the storage configuration, as taught by Tischendorf, since both teach alternate conventional stand structure, used for the same intended purpose, thereby providing structure as claimed.

7. Claims 13, 15, 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 6,302,378 to Koch et al in view of USP 8,49,403 to Kiser, German 2,601,223 to Peddinghaus, and USP 1,433,069 to Clarke.

Koch discloses a stand comprising a base, a support member interconnected to the base and extending upwardly therefrom, a support sleeve/slidable member (Fig. 2, 18) having at least a top surface and in slidable telescopic cooperation with the support member, a lift platform 20 associated with the top surface of the support sleeve 18, a coupling mechanism interconnected to the support sleeve/slidable member 18, an actuating lever 24 interconnected to the coupling mechanism, at least one link member 28 having a first end pivotably connected to the actuating lever and a second end connected to the base, wherein the stand can be selectively positioned between a first position of rest and a second position of use. The differences being that Koch does not disclose the coupling mechanism including a collar removably attached and adjustably positionable at a plurality of positions along the height of the slidable member, wherein the collar comprising a first portion having an arcuate inner surface and a second portion having an arcuate inner surface fastened to each other by at least one fastener, a self-lubricating member, said self-lubricating member be either a sleeve or at least one strip, a seal member, a removable member interconnected to the base, and the

second end of the at least one link member 28 pivotably connected to the removable member.

Kiser teaches the idea of a height adjustable stand comprising two cylindrical support sleeves slidable relative to each other, a coupling mechanism including a collar removably attached and adjustably positionable at a plurality of positions along the height of the slidable member, wherein the collar comprising a first portion having an arcuate inner surface and a second portion having an arcuate inner surface fastened to each other by at least one fastener, an operating lever b9 pivotally mounted in the collar to adjust the height of the stand.

Peddinghaus teaches the idea of providing a plurality of telescoping members with a self-lubricating member, which can be either a sleeve or a strip in order to facilitate relative adjustment of the telescoping members.

Clarke teaches the idea of providing a lifting stand comprising an actuating lever 35 operably connected to a base, a removable member 31 interconnected to the base, and at least one link member having a first end pivotably interconnected to the actuating lever 35 and a second end pivotably interconnected to the removably member; wherein the structure facilitates manipulation of the stand and provides a quick lifting stand. Therefore, it would have been obvious to modify the structure of Koch by having the coupling mechanism to include a collar removably attached and adjustably positionable at a plurality of positions along the height of the slidable member, wherein the collar comprising a first portion having an arcuate inner surface and a second portion having an arcuate inner surface fastened to each other by at least one fastener, as taught by

Kiser, providing a self-lubricating member in the form of a sleeve or a strip in order to facilitate relative adjustment of the telescoping members, as taught by Peddinghaus, and a removable member interconnected to the base, and the second end of the at least one link member 28 pivotably connected to the removable member in order to facilitate manipulation and provide a quick lifting stand, as taught by Clarke, since the references teach alternate conventional telescoping members structures, thereby providing structure as claimed. In regard to a seal member, it would have been obvious and well within the level of one skill in the art to provide the stand of Koch with a seal member in order to prevent dirt from entering the telescoping members.

8. Claims 29-30, 33-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 6,302,378 to Koch et al in view of USP 8,49,403 to Kiser, German 2,601,223 to Peddinghaus, USP 5,769,396 to Tischendorf and USP 1,433,069 to Clarke.

Koch discloses a stand comprising a base, a support member interconnected to the base and extending upwardly therefrom, a support sleeve/slidable member (Fig. 2, 18) having at least a top surface and in slidable telescopic cooperation with the support member, a lift platform 20 associated with the top surface of the support sleeve 18, a coupling mechanism interconnected to the support sleeve/slidable member 18, an actuating lever 24 interconnected to the coupling mechanism, at least one link member 28 having a first end pivotably connected to the actuating lever and a second end connected to the base, wherein the stand can be selectively positioned between a first position of rest and a second position of use. The differences being that Koch does not disclose the coupling mechanism including a collar removably attached and adjustably

positionable at a plurality of positions along the height of the slidable member, wherein the collar comprising a first portion having an arcuate inner surface and a second portion having an arcuate inner surface fastened to each other by at least one fastener, a self-lubricating member, said self-lubricating member be either a sleeve or at least one strip, a seal member, a removable clevis interconnected to the base, and the second end of the at least one link member 28 pivotably connected to the removable member.

Kiser teaches the idea of a height adjustable stand comprising two cylindrical support sleeves slidable relative to each other, a coupling mechanism including a collar removably attached and adjustably positionable at a plurality of positions along the height of the slidable member, wherein the collar comprising a first portion having an arcuate inner surface and a second portion having an arcuate inner surface fastened to each other by at least one fastener, an operating lever b9 pivotally mounted in the collar to adjust the height of the stand.

Peddinghaus teaches the idea of providing a plurality of telescoping members with a self-lubricating member, which can be either a sleeve or a strip in order to facilitate relative adjustment of the telescoping members.

Clarke teaches the idea of providing a lifting stand comprising an actuating lever 35 operable connected to a base, a removable member 31 interconnected to the base, and at least one link member having a first end pivotably interconnected to the actuating lever 35 and a second end pivotably interconnected to the removably member; wherein the structure facilitates manipulation of the stand and provides a quick lifting stand.

Tischendorf discloses a stand comprising a base, a lift platform, an actuating lever, and a removable clevis; wherein the removable clevis allows a more compact stand in the storage configuration.

Therefore, it would have been obvious to modify the structure of Koch by having the coupling mechanism to include a collar removably attached and adjustably positionable at a plurality of positions along the height of the slidable member, wherein the collar comprising a first portion having an arcuate inner surface and a second portion having an arcuate inner surface fastened to each other by at least one fastener, as taught by Kiser, providing a self-lubricating member in the form of a sleeve or a strip in order to facilitate relative adjustment of the telescoping members, as taught by Peddinghaus, the clevis being removable in order to provide a more compact stand in the storage configuration, as taught by Tischendorf, and the second end of the at least one link member 28 pivotably connected to the removable member in order to facilitate manipulation and provide a quick lifting stand, as taught by Clarke, since the references teach alternate conventional telescoping members structures, thereby providing structure as claimed. In regard to a seal member, it would have been obvious and well within the level of one skill in the art to provide the stand of Koch with a seal member in order to prevent dirt from entering the telescoping members.

Response to Arguments

9. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HANH V. TRAN whose telephone number is (571)272-6868. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HVT
February 1, 2009

/Hanh V. Tran/
Primary Examiner, Art Unit 3637